

**ANDOVER CONSERVATION COMMISSION MEETING MINUTES  
FEBRUARY 20, 2014**

Town of Andover  
36 Bartlet Street  
3rd Floor Conference Room  
7:45pm

**Conservation Members in Attendance:**

Chairman Donald Cooper, Commissioner Alix Driscoll, Commissioner Jon Honea, Commissioner Kevin Porter and Commissioner Floyd Greenwood. Staff members present was Robert Douglas, Director of Conservation.

**SCHEDULED ITEMS:**

**279 Salem Street**

**Present in Interest: Bill MacLeod**

*Staff Recommendation: Approve as Pos. 2a, Pos.5 and Neg.3.*

Public Hearing on a Request for Determination of Applicability filed by Patch Development, LLC under the Massachusetts Wetlands Protection Act, and/or Andover Wetlands Protection By-Law for the proposed construction of a portion of a driveway, retaining wall and grading within the buffer zone at 279 Salem Street.

In Agent Cleary's absence, Mr. Douglas presented this to the Commission. The filing is complete under the WPA and By-Law for the demolition of an existing structure and construction of a new dwelling, with only a portion of the lot subject to the By-Law. Wetland line was confirmed by staff with flags 6B, 7B and 8B moved significantly upgradient. The change in flagging did not change the limit of the erosion control.

Chairman Cooper asked for a Motion. Commissioner Driscoll made a Motion to Approve as Pos.2a, Pos.5 and Neg.3; it was seconded by Commissioner Honea and unanimously approved.

**178 Jenkins Road**

**Present in Interest: Mohammed Khusro, M. Nabulsi and Emat Zareno**

*Staff Recommendation: Approve as Pos.2b, Neg.3 and Neg.6.*

Public Hearing on a Request for Determination of Applicability filed by Mohammed M. Khusro under the Massachusetts Wetlands Protection Act, and/or Andover Wetlands Protection By-Law for the proposed replacement of a failed septic system at 178 Jenkins Road.

In Agent Cleary's absence, Mr. Douglas presented this to the Commission. The filing is complete under the WPA only. The filing was made as result of an expired Emergency Certification issued in November, 2013. Flagging was not confirmed by staff and erosion control is not shown on the plan, however is noted in the conditions.

Chairman Cooper asked for a Motion. Commissioner Porter made a Motion to Approve as Pos.2b, Neg.3 and Neg.5; it was seconded by Commissioner Greenwood and approved with Commissioner Driscoll abstaining.

### **85 Porter Road**

**Present in Interest: John Dick and Brian Charron**

*Staff Recommendation: Continue.*

Public Hearing on a Notice of Intent filed by Brian Charron, under the Massachusetts Wetlands Protection Act and/or Andover Wetlands Protection By-Law for the proposed reconstruction of an existing dwelling and removal of an existing pool at 85 Porter Road.

Mr. Douglas presented this to the Commission. This project is for the demolition of the existing dwelling and construction of a new dwelling on the same foundation, the addition of a porch and removal of pool and patio.

Mr. John Dick presented the project. The proposed project is a tear down to the foundation and rebuild. An 8 foot wide porch will be constructed on sona tubes around the house which will encroach into the 25 foot buffer on the westerly side. The existing pool and patio will be removed and replanted as lawn up to the 25 foot no disturb zone to restore the 25 foot buffer. The driveway is proposed to be extended to 83 Porter Road, with an infiltration trench, which will be shared with 83 Porter Road. A post and rail fence is proposed to be installed along the 25 foot no disturb with limited mitigation plantings. Stockpiling will be outside the 50 foot no build and be down gradient from the wetland. There is also a lot line change in process with 87 Porter Road.

Mr. Douglas advised that if the house is demolished, the project would then fall under the By-Law.

Brian Charron informed the Commission that he would prefer to tear down the entire structure, but at minimum the roof and second floor need to be removed and reconstructed. By removing only the roof and second floor, he would not be subject to the by-law. Mr. Charron also stated he was agreeable to removing the porch on the westerly side of the dwelling and placing it on the back of the dwelling to keep it out of the 50 foot no build area.

Chairman Cooper advised that the 50 foot no build is not met on the westerly side of the dwelling and neither the 50 foot no build nor the 25 foot no disturb is being met with the driveway extension on the easterly side of the property. He would like to see the size of the proposed mitigation relative to the encroachment of the porch. He also agreed that the By-Law does apply to the Application submitted.

Commissioner Porter believed that the driveway extension is too much impervious area for this project.

A site visit was scheduled for February 26, 2014 at 9:00am.

Chairman Cooper asked for a Motion. Commissioner Driscoll made a Motion to continue to March 4, 2014; it was seconded by Commissioner Porter and unanimously approved.

### **87 Porter Road**

**Present in Interest: John Dick and Brian Charron**

*Staff Recommendation: Continue.*

Public Hearing on a Notice of Intent filed by Brian Charron, under the Massachusetts Wetlands Protection Act and/or Andover Wetlands Protection By-Law for the proposed construction of an addition at 87 Porter Road.

Mr. Douglas presented this to the Commission. The project consists of the construction of a deck. The addition of a second floor is ongoing which does not require a filing.

Mr. John Dick presented this project to the Commission. The corner of the existing garage encroaches into the no disturb area. The project proposes the construction of a deck and post and rail fence at the 25 foot no disturb line as the limit of encroachment. The deck will be built on sona tubes.

A site visit was scheduled for February 26, 2014 at 9:30am.

Chairman Cooper asked for a Motion. Commissioner Honea made a Motion to continue to March 4, 2104; it was seconded by Commissioner Driscoll and unanimously approved.

### **83 Porter Road**

**Present in Interest: Jeff Bridge, Bill McLeod and Tara Wilson**

*Staff Recommendation: Close and Issue.*

Continued Public Hearing on a Request for an Amended Order of Conditions filed by Tara Wilson and Jason Ardizzone under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-Law, Article XIV, at **83 Porter Road**. The proposed changes include a new dwelling footprint, proposed pool with patio, reconfigured driveway, retaining wall, use of solar panels, revised grading and revised limit of clearing.

Mr. Douglas presented this to the Commission. This was continued for the presentation of Jeff Bridge's report and waiver for setbacks for the solar panel placement.

Jeff Bridge presented his report to the Commission. The original Order of Conditions included a waiver for work within 50 feet and was provided with limited clearing. The new proposal meets all setback requirements but for the proposed solar panels. Today, the setback for the solar panels is 50 feet according to the building code. A waiver was submitted for the setback of the solar panels. Hardship was not included in the waiver request per the By-Law and neither was an alternatives analysis. However after a site visit and discussion with the Applicant, there is no other alternative place to construct the solar panels. The Commission at its discretion, may modify the Order of Conditions issued for this property. Mr. Bridge recommended issuing the Amended Order of Conditions, but not approving the solar panel placement. If the solar panels are not constructed, then the area will be allowed to revegetate.

Commissioners Porter and Greenwood expressed their discomfort with providing a ruling on the waiver until the Commission makes a decision regarding setbacks for solar panels.

Bill McLeod asked the Commission to not rule on the waiver submitted, but to approve the plan provided and if the regulations change regarding solar panels, and the setback is different than 30 feet, the Applicant will provide a revised plan and request an Insignificant Change. Mr. McLeod also informed the Commission that the cost to have the company clearing the lot to make a second trip to clear the area for the solar panels would be at an added expense so they would like to clear the lot including the area for the solar panels at the same time.

Chairman Cooper advised the Applicant that she would be clearing the area at her own risk, but the Applicant may clear the area for the solar panels and if the construction of the solar panels does not occur, or if they fall out of use, then the area will be replanted with trees and allowed to naturally revegetate.

Chairman Cooper asked for a Motion. Commissioner Honea made a Motion to close the Public Hearing and issue the Order of Conditions with the amendments discussed. The Motion failed for lack of a second to the Motion.

Commissioner Greenwood made a Motion to close the Public Hearing and issue the Amended Order of Conditions at the March 4, 2014 Meeting; it was seconded by Commissioner Driscoll and unanimously approved.

## **ACTION ITEMS:**

### **Solar Panels**

*Staff Recommendation: Continue to March 18, 2014.*

Discussion regarding setback requirements of solar panels and impervious area underneath. Setbacks vary from town to town. Commission agreed that they should set their own setbacks for the Town of Andover to include materials underneath, size and threshold.

Commissioner Driscoll made a Motion to continue to March 18, 2014 to allow for legal noticing of the public hearing; it was seconded by Commissioner Porter and unanimously approved.

## **CONSENT AGENDA:**

### **Minutes**

Approval of minutes from February 4, 2104.

### **10 Dawn Circle**

Issuance of a Certificate of Compliance.

### **Dawn Circle Subdivision**

Issuance of a Certificate of Compliance.

### **9 Cobblestone Lane**

Issuance of a Certificate of Compliance.

Commissioner Honea made a Motion to Approve the Consent Agenda; it was seconded by Commissioner Driscoll and unanimously approved.

## **LATE/DISCUSSION ITEMS THAT MAY REQUIRE A VOTE:**

### **Al Retelle**

The Land Group strongly recommends the naming of a reservation after Al Retelle. Chairman Cooper will speak with the family regarding renaming the Shaklis Reservation.

Commissioner Driscoll made a Motion to Approve the naming of a reservation after Al Retelle; it was seconded by Commissioner Porter and unanimously approved.

### **103 Haggett's Pond Road**

Approval of land donation of property at 103 Haggett's Pond Road.

Commissioner Driscoll made a Motion to begin the acquisition process; it was seconded by Commissioner Greenwood and unanimously approved.

### **Overseer Nominations**

Commissioner Porter is requesting the reappointment of Jon Honea; Robert Dalton and Willow Cheely and the new appointment of Ernie Baldwin, Jr. as overseers.

Commissioner Driscoll made a Motion to Approve; it was seconded by Commissioner Greenwood and approved. Commissioner Honea abstained.

**The next meeting will be held March 4, 2014 at 7:45pm.**

**The meeting was adjourned at 9:40pm by Motion of Commissioner Driscoll and seconded by Commissioner Honea and unanimously approved.**

**Respectfully submitted by,**

**Lynn Viselli,  
Recording Secretary**